

## **R E M A R K S**

### ***Status of the Claims***

Claims 1-9, 12-14, 18-20 and 27-28 and 30-31 are currently pending in the present application. Claims 1, 12, 13, 18, 27 and 28 have been amended herein. New claims 30 and 31 have been added. Claims 21, 24-26 and 29 have been cancelled. Support for the claim amendments may be found in the claims indicated as allowable, as further discussed below. All amendments and cancellations are made without prejudice or disclaimer. Applicants respectfully submit that no new matter has been added by way of the present claim amendments.

If the Examiner finds that the present amendments do not place the present application in condition for allowance, Applicants respectfully request entry of the amendment in order to simplify the issues for appeal.

### ***Rejection Under 35 U.S.C. § 102(b)***

Claim 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by Larner, U.S. Patent No. 5,750,348 (hereinafter, "Larner"). Applicants traverse.

However, in order to expedite prosecution, Applicants have amended claim 1 to incorporate the limitations of claims 10 and 11, which the Examiner indicated as allowable. As such, Larner does not teach each and every limitation of the presently claimed invention. Applicants respectfully request withdrawal of the outstanding rejection.

### ***Rejections Under 35 U.S.C. § 103(a)***

Claims 1-5 stand rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Larner in view of Ashizawa et al., *Journal of Biophysical Methods*, 44:89-94, 2000 (hereinafter, "Ashizawa"). Applicants traverse.

However, in order to expedite prosecution, Applicants have amended claim 1 to incorporate the limitations of claims 10 and 11, which the Examiner indicated as allowable. As such, the combination of Larner and Ashizawa does not teach or suggest the presently claimed invention. Applicants respectfully request withdrawal of the outstanding rejection.

Claims 1-7, 19, 20 and 27-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Larner in view of Ashizawa and further in view of Tazoe et al., U.S. Patent No. 6,309,852 (hereinafter, "Tazoe"). Applicants traverse.

However, in order to expedite prosecution, Applicants have amended claims 1, 18 and 27 to incorporate the limitations of claims 10 and 11, which the Examiner indicated as allowable. As such, the combination of Larner, Ashizawa and Tazoe does not teach or suggest the presently claimed invention. Applicants respectfully request withdrawal of the outstanding rejection.

Claims 1-9, 18-21 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable as obvious over Larner in view of Ashizawa and further in view of Tazoe and additionally in view of Kozuma et al., U.S. Patent No. 6,046,018 (hereinafter, "Kozuma"). Applicants traverse.

In an effort to expedite prosecution, Applicants have cancelled claims 21, 24-26 and 29. With regard to remaining claims 1-9, 18-20 and 28, Applicants have amended claims 1, 18 and 27 to incorporate the limitations of claims 10 and 11, which the Examiner indicated as allowable. As such, the combination of Larner, Ashizawa, Tazoe and Kozuma does not teach or suggest the presently claimed invention. Applicants respectfully request withdrawal of the outstanding rejection.

***Allowable Subject Matter***

Applicants thank the Examiner for indicating the allowable subject matter of claims 10-14. As discussed above, each of the pending independent claims has been amended to incorporate the subject matter the Examiner indicated as allowable. New claim 30 represents, in independent form, a combination of the allowable subject matter of claims 10, 11 and 12. New claim 31 represents the subject matter of allowable claim 14 in independent form. Applicants submit that each of the new claims is allowable over the cited prior art.

***Conclusion***

In view of the foregoing, Applicants believe the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Monique T. Cole (Reg. No. 60,154) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Respectfully submitted,

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